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EXAMINER

WEIS, SAMUEL

ART UNIT

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3695

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/922,106	<b>Applicant(s)</b> BISSONETTE ET AL.	
	<b>Examiner</b> SETH WEIS	<b>Art Unit</b> 3695	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 26 January 2010.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 72.73 and 77-79 is/are pending in the application.

    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 72.73 and 77-79 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.

4) ☐ Interview Summary (PTO-413)  
    Paper No(s)/Mail Date \_\_\_\_\_.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in reply to Applicant's RCE filed 26 January 2010
2. Claims 72 and 73 are pending.
3. Claims 72 has been amended.
4. New claims 77-79 have been added.
5. Claims 72, 73, and 77-79 are currently pending and have been examined.

### ***Continued Examination Under 37 CFR 1.114***

6. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 January 2010 has been entered.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claims 72, 73, and 77 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 77 recites a system for controlling financial transactions of an organization. However the body of the claim does not provide the structure of the system. A "financial management system including a computer having a storage" and a "money transaction card system including a computer having a storage" are not sufficient to describe the system. System structural elements must distinctly claim the specific hardware or machine(s) which are performing the functions of the claim. A system with a general purpose computer is insufficient in this regards because the claim could be interpreted as simply a computer. Therefore, the claims fail to distinctly claim the subject matter which applicant regards as the invention. Claims 73 and 77 are rejected under similar reasoning.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 72-73 and 77-79 are rejected under 35 U.S.C. 102(b) as being anticipated by Langhans et al., U.S. Pat. No. 5,621,201 (hereinafter, Langhans).

As to claim 72, Langhans discloses a system for controlling financial transactions of an organization, comprising:  
a financial management system including a computer having a storage and providing control, by defining a management system limit, and accounting for financial transactions of multiple users within the organization (invention details a hierarchical

purchasing control system for a corporation and its employees) (abstract; col. 3, line 62-col. 4, line 24; col. 2, lines 30-39; Figs. 2 and 8); and  
a money transaction card system including a computer having a storage, associated with the financial management system and providing control, by controlling transactions responsive to a card system limit and the management system limit where the card system limit is a limit on a money transaction card set by the money transaction card system issuing the card where the card system limit and the management system limit are independently enforced (individual employees can be given specific card limits and each level of the employee hierarchy can be assigned group limits which differ from the individual limits) (col. 3, line 62-col. 4, line 2, col. 4, lines 50-65; Figs. 5 and 6).

As to claim 73, Langhans discloses wherein the money transaction card comprises one of purchase card, debit card, prepaid card, credit card, check card, procurement card, fleet card, corporate card, expenses card, combination card, and travel card (credit card) (col. 2, lines 59-61).

As to claim 77, Langhans discloses wherein the management system limit is independently enforced prior to a transaction.

Claims 78 and 79 recite method and computer readable medium claims with similar limitations to claim 72 and are rejected accordingly.

### ***Response to Arguments***

11. Applicant argues that Langhans does not disclose a "management system limit and a card system limit which are independently enforced."

The Examiner disagrees. Langhans discloses an automated purchasing control system which is customizable for up to a seven level employee hierarchy (Fig. 2, col. 4). Figure 2 shows this hierarchy clearly: at the top is the overall company, then 2 divisions each comprising 2 departments with each department having 2 individual cardholders. Langhans discloses assigning individual card system limits to each individual cardholder (Cardholders 1-8). Langhans also discloses a management system limit which is the spending limit assigned to the next level up on the hierarchy (Departments 1-4). Each separate Department has its own limit; consequently, a purchase by Cardholder 1 in Department 1 does not affect Department 2. Therefore, the limitations are disclosed by Langhans.

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SETH WEIS whose telephone number is (571)272-1882. The examiner can normally be reached on 8:30 to 5, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SETH WEIS/  
Examiner, Art Unit 3695

/Charles R. Kyle/  
Supervisory Patent Examiner, Art Unit 3695